

## Bureau of Land Management, Interior

## § 3833.0-9

(s) *Authorized officer* means any employee of the Bureau of Land Management to whom authority has been delegated to perform the duties described in this subpart.

(t) *Small miner* means a claimant/owner of a mining claim(s), that meets the requirements of §§3833.1-6 and 3833.1-7.

(u) *Age of discretion* means that age at which, pursuant to State law, an individual is legally entitled to manage his or her own affairs, and to enjoy civic rights.

(v) *Maintenance fee* means the annual \$100 payment required by 30 U.S.C. 28f, as amended by the Act of November 5, 2001 (115 Stat. 414), to hold and maintain a mining claim, mill site, or tunnel site. The requirement to pay a maintenance fee does not apply to any claim located after September 29, 2003.

(w) *Location fee* means the one time \$25 payment required by 30 U.S.C. 28g, as amended by the Act of November 5, 2001, for all new mining claims and mill and tunnel sites located upon the public lands on or after August 11, 1993, and before September 30, 2003. The location fee shall be paid at the time the mining claim or site is recorded with the proper BLM office.

(x) *Related party* means:

(1) The spouse and dependent children of the claimant as defined in section 152 of the Internal Revenue Code of 1986, or

(2) A person who controls, is controlled by, or is under common control with the claimant.

(y) *Control* means, as defined in 30 U.S.C. 28g, as amended by the Act of November 5, 2001, actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

(z) *Forfeiture* means the consequences of an act or failure to act that results in an unpatented mining claim, mill, or tunnel site being deemed to be by operation of law abandoned or null and void. The term has the same meaning whether it is used in the noun form or in the verb form "forfeit" or "forfeited."

(aa) *Returnable* means that a check or negotiable instrument, including a

valid credit card order, is received by the authorized officer but not yet processed through the accounting system of the Bureau of Land Management, and can be returned to the originator without processing of a refund check through the United States Treasury pursuant to §3833.1-1.

(bb) *Refundable* means that a check or negotiable instrument, including a valid credit card order, has been processed through the accounting system of the Bureau of Land Management, and cannot be returned to the originator without the processing of a refund check through the United States Treasury or the crediting to a credit card account pursuant to §3833.1-1.

[42 FR 5300, Jan. 27, 1977, as amended at 44 FR 9722, Feb. 14, 1979; 47 FR 56304, Dec. 15, 1982; 48 FR 7179, Feb. 18, 1983; 53 FR 48881, Dec. 2, 1988; 55 FR 17754, Apr. 27, 1990; 58 FR 38197, July 15, 1993; 59 FR 44858, Aug. 30, 1994; 64 FR 47021, Aug. 27, 1999; 67 FR 38206, June 3, 2002]

### § 3833.0-9 Information collection.

(a) The collections of information contained in subpart 3833 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004-0114. The information will be used to enable BLM to record mining claims, mill sites, and tunnel sites; to maintain ownership records to those claims and sites; to determine the geographic location of the claims and sites recorded for proper land management purposes; and to determine which claims and sites their owner(s) wish to continue to hold under applicable Federal statute. A response is required to obtain a benefit in accordance with Section 314 of FLPMA, as amended, 43 U.S.C. 299, and 30 U.S.C. 28f-k, as amended by the Act of November 5, 2001 (115 Stat. 414).

(b) Public reporting burden for this information is estimated to average 8 minutes per response, including time for reviewing instructions, searching existing records, gathering and maintaining the data collected, and completing and reviewing the information collected. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing the

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burden; to the Information Collection Clearance Officer (783), Bureau of Land Management, 1849 C St. NW., Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project, 1004–0114, Washington, DC 20503.

[58 FR 38198, July 15, 1993, as amended at 59 FR 44858, Aug. 30, 1994; 64 FR 47021, Aug. 27, 1999; 67 FR 38206, June 3, 2002]

### § 3833.1 Recordation of mining claims.

#### § 3833.1–1 Refundability of service charges, location fees, rental and maintenance fees.

(a) Service charges submitted for new recordings under § 3833.1–2 are not returnable or refundable after the document has received the processing for which the service charges were paid.

(b) Service charges submitted with documents to be filed pursuant to §§ 3833.2 and 3833.3 are returnable or refundable if, at the time of submission, the affected mining claim or site is determined to be null and void or abandoned by operation of law.

(c) Maintenance and location fees are not returnable or refundable unless the mining claim or site has been determined, as of the date the fees were submitted, to be null and void, abandoned by operation of law, or otherwise forfeited.

(d) Maintenance fees, location fees, or service charges made in duplicate for the same claim or site or otherwise overpaid are returnable or refundable. The money will be returned or refunded to the party who submitted it. The authorized officer may apply the fee to a future year if so instructed by the payor.

(e) Voluntary actions such as relinquishment of claims or sites, or payment of maintenance fees by a qualified small miner, shall not be a qualifying reason for obtaining a refund of such fees previously paid.

[59 FR 44858, Aug. 30, 1994]

#### § 3833.1–2 Recordation of mining claims, mill sites and tunnel sites located after October 21, 1976.

(a) The owner of an unpatented mining claim, mill site or tunnel site located after October 21, 1976, on Federal lands, excluding lands within units of

the National Park System shall file within 90 days after the date of location of that claim or site in the proper BLM office, a copy of the official record of the notice or certificate of location of that claim or site that was or will be filed under state law. If state law does not require the recordation of a notice or certificate of location of a claim or site, a notice or certificate of location containing the information in paragraph (b) of this section shall be filed. (See § 3734.1(a) of this title for mining claims and sites filed under Pub. L. 84–359 (69 Stat. 681) and § 3821.2 of this title for mining claims and sites filed on O and C lands).

(b) The copy of the notice or certificates filed in accordance with paragraph (a) of this section shall be supplemented by the following additional information unless it is included in the copy:

(1) The name or number of the claim or site, or both, if the claim or site has both;

(2) The name and current mailing address, if known, of the owner or owners of the claim or site;

(3) The type of claim or site;

(4) The date of location;

(5) For all claims or sites a description shall be furnished.

(i) This description shall recite, to the extent possible, the section(s), the approximate location of all or any part of the claim to within a 160 acre quadrant of the section (quarter section), or sections, if more than one is involved, and the township, range, meridian and State obtained from an official survey plat or other U.S. Government map showing either the surveyed or protracted U.S. Government grid, whichever is applicable.

(ii) The location of the claims or sites shall be depicted on either a topographic map published by the U.S. Geological Survey or by a narrative or a sketch describing the claim or site with reference by appropriate tie to some topographic, hydrographic, or man-made feature. Such map, narrative description, or sketch shall set forth the boundaries and position of the individual claim or site with such accuracy as will permit the authorized officer of the agency administering the lands or mineral interests in such lands